

R E M A R K S

Careful review and examination of the subject application are noted and appreciated.

SUPPORT FOR CLAIM AMENDMENTS

Support for amendments to claim 1 can be found on page 2, lines 10-13, and page 5, lines 1-2. No new matter has been added.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

The rejection of claim 13 under 35 U.S.C. §102 as being anticipated by Rabik et al. (U.S. Patent App. 2004/0181800 A1; hereinafter Rabik) has been obviated by amendment and should be withdrawn.

Rabik discloses Thin DOCSIS In-Band Management for Interactive HFC Service Delivery (Title).

In contrast, claim 13 provides a transmodulator unit that may be configured to support baseband video signaling in a set-top box local loop connection. The transmodulator unit may include means for receiving a baseband video signal that may include programming information embedded in at least one of a vertical blanking interval and a chroma portion of the baseband video signal. The transmodulator unit may also include means for controlling the transmodulator unit in response to the embedded programming information to convert a first encoded data signal that

is not compliant with a legacy receiver to a second encoded data signal that is compliant with a legacy receiver. Rabik does not disclose or suggest each of these limitations. Therefore claim 13 is fully patentable and the rejection should be withdrawn.

In particular, claim 13 provides means for controlling a transmodulator in response to embedded programming information to convert a non-legacy compliant first encoded data signal to a legacy compliant second encoded data signal. Rabik is silent concerning any conversion of a first encoded data signal to a second encoded data signal in order to be compliant with a legacy receiver, as presently claimed. As a result, Rabik does not disclose or suggest the limitations of claim 13. Thus, claim 13 is fully patentable and the rejection should be withdrawn.

As such, the presently claimed invention is fully patentable over the cited references and the rejection should be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

The rejection of claims 1-4, 9-12, 14-17, and 21-22 under 35 U.S.C. §103 as being unpatentable over Stewart (U.S. Patent App. 2004/0252243 A1; hereinafter Stewart) in view of Nazarathy (U.S. Patent 6,490,727 B1; hereinafter Nazarathy) has been obviated by amendment and should be withdrawn.

The rejection of claims 5-8, and 18-20 under 35 U.S.C. §103 as being unpatentable over Stewart (U.S. Patent App. 2004/0252243 A1; hereinafter Stewart) in view of Nazarathy (U.S. Patent 6,490,727 B1; hereinafter Nazarathy) in view of Rakib (U.S. Patent App. 2004/0181800; hereinafter Rakib) has been obviated by amendment and should be withdrawn.

Stewart teaches a Television Signal Receiver System (Title). Nazarathy teaches a Distributed Termination System for Two-Way Hybrid Networks (Title). Rabik teaches Thin DOCSIS In-Band Management for Interactive HFC Service Delivery (Title).

In contrast, the present invention provides an apparatus comprising a transmodulator unit. The transmodulator unit may have a first input that may be configured to receive a baseband video signal. The transmodulator unit may also have a second input that may be configured to receive a first encoded data signal. The transmodulator unit may have an output that may be configured to present a second encoded data signal to a legacy receiver. The second encoded data signal may be generated in response to the first encoded data signal and the baseband video signal. The first encoded data signal may include an advanced data signal. The legacy receiver may not be compliant with the advanced data signal. The second encoded data signal may include a legacy data signal. The legacy data signal may be the advanced data signal converted to be compliant with the legacy receiver. The references do not teach

or suggest, alone or in combination, each of these limitations. Therefore claim 1 is fully patentable and the rejections should be withdrawn.

In particular, claim 1 provides presentation of a second encoded data signal to a legacy receiver. Stewart is silent concerning a second encoded data signal to a legacy receiver. Nazarathy at best appears to describe upstream transmissions of legacy signals from home terminals. (See Nazarathy, Column 10, lines 25-26). Nazarathy is silent concerning a second encoded data signal to a legacy receiver, as presently claimed. The cited references teach away from the proposed invention which provides legacy data signals being transmitted to the legacy receiver. As a result, the references, alone or in combination, do not teach or suggest each of the limitations of claim 1. Thus, claim 1 is fully patentable and the rejections should be withdrawn.

Furthermore, none of the cited references teach or suggest an advanced data signal which is not compliant with a legacy receiver. Stewart in paragraph 0026 specifically identifies that the antenna array receives terrestrially broadcast television signals (the so called first encoded data signal) which are received by the television signal processor. Stewart appears silent as to these terrestrially broadcast television signals not being compliant with the television signal receivers. Nazarathy does not cure the deficiencies of Stewart. As a result the

references, alone or in combination, do not teach or suggest each of the limitations of claim 1. Therefore claim 1 is fully patentable and the rejections should be withdrawn.

In addition, claim 1 includes the limitation that the legacy data signal is the advanced data signal converted to be compliant with the legacy receiver. Stewart is silent concerning legacy receivers or conversion of signals to be compliant with legacy receivers, as presently claimed. Nazarathy is silent concerning conversion of advanced data signals to be compliant with legacy receivers, as presently claimed. As a result the cited references, alone or in combination, do not teach or suggest each of the limitations of claim 1. Thus, claim 1 is fully patentable and the rejection should be withdrawn.

Claim 14 is independently patentable over the references and the rejection should be withdrawn. Claim 14 provides a method for baseband video signaling in a set-top box local loop connection. Claim 14 also provides conversion of a first encoded data signal that is not legacy compliant to a second encoded data signal which is legacy compliant. Stewart is silent concerning any conversion of a first encoded data signal that is not compliant with a legacy receiver, as presently claimed. Nazarathy does not cure the deficiencies of Stewart. As a result, claim 14 is fully patentable and the rejection should be withdrawn.

Claims 2-12 and 15-22 depend, directly or indirectly, from the independent claims, which are now believed to be allowable.

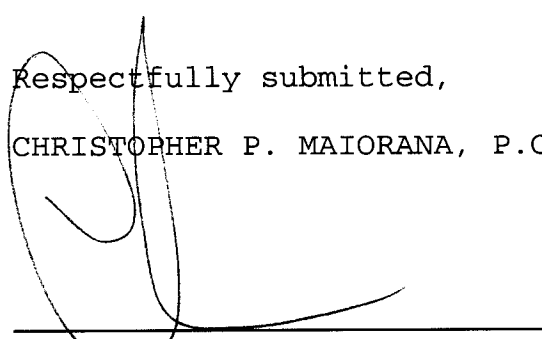
As such, the presently claimed invention is fully patentable over the cited references and the rejection should be withdrawn.

Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicants' representative between the hours of 9 a.m. and 5 p.m. ET at 586-498-0670 should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge Deposit Account No. 12-2252.

Respectfully submitted,
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c/o Lloyd Sadler
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